

Message Text

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ACTION L-03

INFO OCT-01 ARA-14 ISO-00 CA-01 JUSE-00 OPR-02 /021 W
-----074233 272104Z /63

P 271915Z APR 78
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC PRIORITY 9851

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E.O. 11652: N/A
TAGS: CPRS, US, MX
SUBJECT: EXTRADITION TREATY NEGOTIATIONS-MEXICO

REF: MEXICO 6794 AND PREVIOUS; SIERRA TO GAITHER TELECONS
OF APRIL 26 AND 27, 1978.

FOR L AND OPR/LS

DEPARTMENT PASS JUSTICE

1. THE FOLLOWING IS THE FINAL COMPLETE TEXT OF
SUBJECT AGREEMENT. FINAL CHANGES WERE NEGOTIATED
PER REQUESTS OF DEPARTMENT OF JUSTICE AND LANGUAGE
SERVICES ON APRIL 26 IN MEETING WITH UNDERSECRETARY
ROSENZWEIG DIAZ, LEGAL ADVISER GAITHER, AND JUSTICE
REPRESENTATIVE HARRIS. EMBASSY UNDERSTANDS THIS TEXT
IS COMPLETELY CLEARED BY LEGAL ADVISER'S OFFICE,
LANGUAGE SERVICES, AND DEPARTMENT OF JUSTICE.

2. EMBASSY APPRECIATES SUPPORT BY ALL RESPONSIBLE
PARTIES IN APPROVING THE TEXT.

3. TEXT FOLLOWS: BEGIN QUOTE - EXTRADITION TREATY
BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED
MEXICAN STATES - THE GOVERNMENT OF THE UNITED STATES
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OF AMERICA AND THE GOVERNMENT OF THE UNITED MEXICAN
STATES; - DESIRING TO COOPERATE MORE CLOSELY IN THE
FIGHT AGAINST CRIME AND, TO THIS END, TO MUTUALLY
RENDER BETTER ASSISTANCE IN MATTERS OF EXTRADITION; -
HAVE AGREED AS FOLLOWS: - ARTICLE 1 - OBLIGATION TO
EXTRADITE - (1) THE CONTRACTING PARTIES AGREE TO
MUTUALLY EXTRADITE, SUBJECT TO THE PROVISIONS OF THIS

TREATY, PERSONS WHO THE COMPETENT AUTHORITIES OF THE REQUESTING PARTY HAVE CHARGED WITH AN OFFENSE OR HAVE FOUND GUILTY OF COMMITTING AN OFFENSE, OR ARE WANTED BY SAID AUTHORITIES TO COMPLETE A JUDICIALLY PRONOUNCED PENALTY OF DEPRIVATION OF LIBERTY FOR AN OFFENSE COMMITTED WITHIN THE TERRITORY OF THE REQUESTING PARTY.

(2) FOR AN OFFENSE COMMITTED OUTSIDE THE TERRITORY OF THE REQUESTING PARTY, THE REQUESTED PARTY SHALL GRANT EXTRADITION IF:

(A) ITS LAWS WOULD PROVIDE FOR THE PUNISHMENT OF SUCH AN OFFENSE COMMITTED IN SIMILAR CIRCUMSTANCES, OR

(B) THE PERSON SOUGHT IS A NATIONAL OF THE REQUESTING PARTY, AND THAT PARTY HAS JURISDICTION UNDER ITS OWN LAWS TO TRY THAT PERSON.

ARTICLE 2 - EXTRADITABLE OFFENSES.

(1) EXTRADITION SHALL TAKE PLACE, SUBJECT TO THIS TREATY, FOR WILFUL ACTS WHICH FALL WITHIN ANY OF THE CLAUSES OF THE APPENDIX AND ARE PUNISHABLE IN ACCORDANCE WITH THE LAWS OF BOTH CONTRACTING PARTIES BY DEPRIVATION OF LIBERTY THE MAXIMUM OF WHICH SHALL NOT UNCLASSIFIED

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BE LESS THAN ONE YEAR.

(2) IF EXTRADITION IS REQUESTED FOR THE EXECUTION OF A SENTENCE, THERE SHALL BE THE ADDITIONAL REQUIREMENT THAT THE PART OF THE SENTENCE REMAINING TO BE SERVED SHALL NOT BE LESS THAN SIX MONTHS.

(3) EXTRADITION SHALL ALSO BE GRANTED FOR WILFUL ACTS WHICH, ALTHOUGH NOT BEING INCLUDED IN THE APPENDIX, ARE PUNISHABLE, IN ACCORDANCE WITH THE FEDERAL LAWS OF BOTH CONTRACTING PARTIES, BY A DEPRIVATION OF LIBERTY THE MAXIMUM OF WHICH SHALL NOT BE LESS THAN ONE YEAR.

(4) SUBJECT TO THE CONDITIONS ESTABLISHED IN PARAGRAPHS 1, 2 AND 3, EXTRADITION SHALL ALSO BE GRANTED:

(A) FOR THE ATTEMPT TO COMMIT AN OFFENSE; CONSPIRACY TO COMMIT AN OFFENSE; OR THE PARTICIPATION IN THE EXECUTION OF AN OFFENSE; OR

(B) WHEN, FOR THE PURPOSE OF GRANTING JURISDICTION TO

THE UNITED STATES GOVERNMENT, TRANSPORTATION OF PERSONS OR PROPERTY, THE USE OF THE MAIL OR OTHER MEANS OF CARRYING OUT INTERSTATE OR FOREIGN COMMERCE, IS ALSO AN ELEMENT OF THE OFFENSE.

ARTICLE 3 - EVIDENCE REQUIRED.

EXTRADITION SHALL BE GRANTED ONLY IF THE EVIDENCE BE FOUND SUFFICIENT, ACCORDING TO THE LAWS OF THE REQUESTED PARTY, EITHER TO JUSTIFY THE COMMITMENT FOR TRIAL OF THE PERSON SOUGHT IF THE OFFENSE OF WHICH HE HAS BEEN

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ACCUSED HAD BEEN COMMITTED IN THAT PLACE OR TO PROVE THAT HE IS THE PERSON CONVICTED BY THE COURTS OF THE REQUESTING PARTY.

ARTICLE 4 - TERRITORIAL APPLICATION.

(1) FOR THE PURPOSES OF THIS TREATY, THE TERRITORY OF A CONTRACTING PARTY SHALL INCLUDE ALL THE TERRITORY UNDER THE JURISDICTION OF THAT CONTRACTING PARTY, INCLUDING AIRSPACE AND TERRITORIAL WATERS AND VESSELS AND AIRCRAFT REGISTERED IN THAT CONTRACTING PARTY IF ANY SUCH AIRCRAFT IS IN FLIGHT WHEN THE OFFENSE IS COMMITTED.

(2) FOR THE PURPOSES OF THIS TREATY, AN AIRCRAFT SHALL BE CONSIDERED TO BE IN FLIGHT AT ANY TIME FROM THE MOMENT WHEN ALL ITS EXTERNAL DOORS ARE CLOSED FOLLOWING THE EMBARKATION UNTIL THE MOMENT WHEN ANY SUCH DOOR IS OPENED FOR DISEMBARKATION.

ARTICLE 5 - POLITICAL AND MILITARY OFFENSES.

(1) EXTRADITION SHALL NOT BE GRANTED WHEN THE OFFENSE FOR WHICH IT IS REQUESTED IS POLITICAL OR OF A POLITICAL CHARACTER.

IF ANY QUESTION ARISES AS TO THE APPLICATION OF THE
FOREGOING PARAGRAPH, THE EXECUTIVE AUTHORITY OF THE
REQUESTED PARTY SHALL DECIDE.
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(2) FOR THE PURPOSE OF THIS TREATY, THE FOLLOWING
OFFENSES SHALL NOT BE CONSIDERED TO BE OFFENSES
INCLUDED IN PARAGRAPH 1:

(A) THE MURDER OR OTHER WILFUL CRIME AGAINST THE
LIFE OR PHYSICAL INTEGRITY OF A HEAD OF STATE OR HEAD
OF GOVERNMENT OR OF HIS FAMILY, INCLUDING ATTEMPTS
TO COMMIT SUCH AN OFFENSE.

(B) AN OFFENSE WHICH THE CONTRACTING PARTIES MAY HAVE THE
OBLIGATION TO PROSECUTE BY REASON OF A MULTILATERAL
INTERNATIONAL AGREEMENT.

(3) EXTRADITION SHALL NOT BE GRANTED WHEN THE OFFENSE
FOR WHICH EXTRADITION IS REQUESTED IS A PURELY MILITARY
OFFENSE.

ARTICLE 6 - NON BIS IN IDEM.

EXTRADITION SHALL NOT BE GRANTED WHEN THE PERSON SOUGHT
HAS BEEN PROSECUTED OR HAS BEEN TRIED AND CONVICTED OR
ACQUITTED BY THE REQUESTED PARTY FOR THE OFFENSE FOR
WHICH EXTRADITION IS REQUESTED.

ARTICLE 7 - LAPSE OF TIME.

EXTRADITION SHALL NOT BE GRANTED WHEN THE PROSECUTION
OR THE ENFORCEMENT OF THE PENALTY FOR THE OFFENSE FOR
WHICH EXTRADITION HAS BEEN SOUGHT HAS BECOME BARRED
BY LAPSE OF TIME ACCORDING TO THE LAWS OF THE REQUEST-
ING OR REQUESTED PARTY.

ARTICLE 8 - CAPITAL PUNISHMENT.

WHEN THE OFFENSE FOR WHICH EXTRADITION IS REQUESTED
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IS PUNISHABLE BY DEATH UNDER THE LAWS OF THE REQUEST-
ING PARTY AND THE LAWS OF THE REQUESTED PARTY DO NOT
PERMIT SUCH PUNISHMENT FOR THAT OFFENSE, EXTRADITION
MAY BE REFUSED UNLESS THE REQUESTING PARTY FURNISHES
SUCH ASSURANCES AS THE REQUESTED PARTY CONSIDERS
SUFFICIENT THAT THE DEATH PENALTY SHALL NOT BE

IMPOSED,OR, IF IMPOSED, SHALL NOT BE EXECUTED.

ARTICLE 9 - EXTRADITION OF NATIONALS.

(1) NEITHER CONTRACTING PARTY SHALL BE BOUND TO DELIVER UP ITS OWN NATIONALS, BUT THE EXECUTIVE AUTHORITY OF THE REQUESTED PARTY SHALL, IF NOT PREVENTED BY THE LAWS OF THAT PARTY, HAVE THE POWER TO DELIVER THEM UP IF, IN ITS DISCRETION, IT BE DEEMED PROPER TO DO SO.

(2) IF EXTRADITION IS NOT GRANTED PURSUANT TO PARAGRAPH 1 OF THIS ARTICLE, THE REQUESTED PARTY SHALL SUBMIT THE CASE TO ITS COMPETENT AUTHORITIES FOR THE PURPOSE OF PROSECUTION, PROVIDED THAT PARTY HAS JURISDICTION OVER THE OFFENSE.

ARTICLE 10 - EXTRADITION PROCEDURES AND REQUIRED DOCUMENTS

(1) THE REQUEST FOR EXTRADITION SHALL BE MADE THROUGH THE DIPLOMATIC CHANNEL.

(2) THE REQUEST FOR EXTRADITION SHALL CONTAIN THE DESCRIPTION OF THE OFFENSE FOR WHICH EXTRADITION IS REQUESTED AND SHALL BE ACCOMPANIED BY:

(A) A STATEMENT OF THE FACTS OF THE CASE;

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(B) THE TEXT OF THE LEGAL PROVISIONS DESCRIBING THE ESSENTIAL ELEMENTS OF THE OFFENSE;

(C) THE TEXT OF THE LEGAL PROVISIONS DESCRIBING THE PUNISHMENT FOR THE OFFENSE;

(D) THE TEXT OF THE LEGAL PROVISIONS RELATING TO THE TIME LIMIT ON THE PROSECUTION OR THE EXECUTION OF THE PUNISHMENT OF THE OFFENSE;

(E) THE FACTS AND PERSONAL INFORMATION OF THE PERSON SOUGHT WHICH WILL PERMIT HIS IDENTIFICATION AND, WHERE POSSIBLE, INFORMATION CONCERNING HIS LOCATION.

(3) IN ADDITION, WHEN THE REQUEST FOR EXTRADITION RELATES TO A PERSON WHO HAS NOT YET BEEN CONVICTED, IT SHALL BE ACCOMPANIED BY:

(A) A CERTIFIED COPY OF THE WARRANT OF ARREST ISSUED BY A JUDGE OR OTHER JUDICIAL OFFICER OF THE REQUESTING PARTY;

(B) EVIDENCE WHICH, IN ACCORDANCE WITH THE LAWS OF THE REQUESTED PARTY, WOULD JUSTIFY THE APPREHENSION AND COMMITMENT FOR TRIAL OF THE PERSON SOUGHT IF THE OFFENSE
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HAD BEEN COMMITTED THERE.

(4) WHEN THE REQUEST FOR EXTRADITION RELATES TO A CONVICTED PERSON, IT SHALL BE ACCOMPANIED BY A CERTIFIED COPY OF THE JUDGMENT OF CONVICTION IMPOSED BY A COURT OF THE REQUESTING PARTY.

IF THE PERSON WAS FOUND GUILTY BUT NOT SENTENCED, THE EXTRADITION REQUEST SHALL BE ACCOMPANIED BY A CERTIFICATION TO THAT EFFECT AND A CERTIFIED COPY OF THE WARRANT OF ARREST.

IF SUCH PERSON HAS ALREADY BEEN SENTENCED, THE REQUEST FOR EXTRADITION SHALL BE ACCOMPANIED BY A CERTIFICATION OF THE SENTENCE IMPOSED AND A STATEMENT INDICATING WHICH PART OF THE SENTENCE HAS NOT BEEN CARRIED OUT.

(5) ALL THE DOCUMENTS THAT MUST BE PRESENTED BY THE REQUESTING PARTY IN ACCORDANCE WITH THE PROVISIONS OF THIS TREATY SHALL BE ACCOMPANIED BY A TRANSLATION IN THE LANGUAGE OF THE REQUESTED PARTY.

(6) THE DOCUMENTS WHICH, ACCORDING TO THIS ARTICLE, SHALL ACCOMPANY THE REQUEST FOR EXTRADITION, SHALL BE RECEIVED IN EVIDENCE WHEN:

(A) IN THE CASE OF A REQUEST EMANATING FROM THE UNITED STATES, THEY ARE AUTHENTICATED BY THE OFFICIAL SEAL OF THE DEPARTMENT OF STATE AND LEGALIZED BY THE MANNER PRESCRIBED BY THE MEXICAN LAW;

(B) IN THE CASE OF A REQUEST EMANATING FROM THE UNITED MEXICAN STATES, THEY ARE CERTIFIED BY THE PRINCIPLE DIPLOMATIC OR CONSULAR OFFICER OF THE UNITED STATES IN UNCLASSIFIED

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ARTICLE 11 - PROVISIONAL ARREST - (1) IN THE CASE OF URGENCY, EITHER CONTRACTING PARTY MAY REQUEST, THROUGH THE DIPLOMATIC CHANNEL, THE PROVISIONAL ARREST OF AN ACCUSED OR CONVICTED PERSON. THE APPLICATION SHALL CONTAIN A DESCRIPTION OF THE OFFENSE FOR WHICH THE EXTRADITION IS REQUESTED, A DESCRIPTION OF THE PERSON SOUGHT AND HIS WHEREABOUTS, AN UNDERTAKING TO FORMALIZE THE REQUEST FOR EXTRADITION, AND A DECLARATION OF THE EXISTANCE OF A WARRANT OF ARREST ISSUED BY A COMPETENT JUDICIAL AUTHORITY OR A JUDGMENT OF CONVICTION ISSUED AGAINST THE PERSON SOUGHT.

(2) ON RECEIPT OF SUCH A REQUEST, THE REQUESTED PARTY SHALL TAKE THE NECESSARY STEPS TO SECURE THE ARREST OF THE PERSON CLAIMED.

(3) PROVISIONAL ARREST SHALL BE TERMINATED IF, WITHIN A PERIOD OF 60 DAYS AFTER THE APPREHENSION OF THE PERSON CLAIMED, THE EXECUTIVE AUTHORITY OF THE REQUESTED PARTY HAS NOT RECEIVED THE FORMAL REQUEST FOR EXTRADITION AND THE DOCUMENTS MENTIONED IN ARTICLE 10.

(4) THE FACT THAT THE PROVISIONAL ARREST IS TERMINATED PURSUANT TO PARAGRAPH 3 SHALL NOT PREJUDICE THE EXTRADITION OF THE PERSON SOUGHT IF THE REQUEST FOR EXTRADITION AND THE NECESSARY DOCUMENTS MENTIONED IN ARTICLE 10 ARE DELIVERED AT A LATER DATE.

ARTICLE 12 - ADDITIONAL EVIDENCE.

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IF THE EXECUTIVE AUTHORITY OF THE REQUESTED PARTY CONSIDERS THAT THE EVIDENCE FURNISHED IN SUPPORT OF THE REQUEST FOR EXTRADITION IS NOT SUFFICIENT IN ORDER TO FULFIL THE REQUIREMENTS OF THIS TREATY, THAT PARTY SHALL REQUEST THE PRESENTATION OF THE NECESSARY ADDITIONAL EVIDENCE.

ARTICLE 13 - PROCEDURE.

(1) THE REQUEST FOR EXTRADITION SHALL BE PROCESSED IN ACCORDANCE WITH THE LEGISLATION OF THE REQUESTED PARTY.

(2) THE REQUESTED PARTY SHALL MAKE ALL ARRANGEMENTS NECESSARY FOR INTERNAL PROCEDURES ARISING OUT OF THE REQUEST FOR EXTRADITION.

(3) THE COMPETENT LEGAL AUTHORITIES OF THE REQUESTED PARTY SHALL BE AUTHORIZED TO EMPLOY ALL LEGAL MEANS WITHIN THEIR POWER TO OBTAIN FROM THE JUDICIAL AUTHORITIES THE DECISIONS NECESSARY FOR THE RESOLUTION OF THE REQUEST OF EXTRADITION.

ARTICLE 14 - DECISION AND SURRENDER.

(1) THE REQUESTED PARTY SHALL PROMPTLY COMMUNICATE TO UNCLASSIFIED

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THE REQUESTING PARTY ITS DECISION ON THE REQUEST FOR EXTRADITION.

(2) IN THE CASE OF COMPLETE OR PARTIAL REJECTION OF A REQUEST FOR EXTRADITION, THE REQUESTED PARTY SHALL GIVE THE REASONS ON WHICH IT WAS BASED.

(3) IF THE EXTRADITION IS GRANTED, THE SURRENDER OF THE PERSON SOUGHT SHALL TAKE PLACE WITHIN SUCH TIME AS MAY BE PRESCRIBED BY THE LAWS OF THE REQUESTED PARTY. THE COMPETENT AUTHORITIES OF THE CONTRACTING PARTIES SHALL AGREE ON THE DATE AND PLACE OF THE SURRENDER OF THE PERSON SOUGHT.

(4) IF THE COMPETENT AUTHORITY HAS ISSUED THE WARRANT OR ORDER FOR THE EXTRADITION OF THE PERSON SOUGHT AND HE IS NOT REMOVED FROM THE TERRITORY OF THE REQUESTED PARTY WITHIN THE PRESCRIBED PERIOD, HE SHALL BE SET AT LIBERTY AND THE REQUESTED PARTY MAY SUBSEQUENTLY REFUSE TO EXTRADITE HIM FOR THE SAME OFFENSE.

ARTICLE 15 - DELAYED SURRENDER.

THE REQUESTED PARTY, AFTER GRANTING THE EXTRADITION, MAY DEFER THE SURRENDER OF THE PERSON SOUGHT WHEN THAT PERSON IS BEING PROCEEDED AGAINST OR IS SERVING A SENTENCE IN THE TERRITORY OF THE REQUESTED PARTY FOR A DIFFERENT OFFENSE, UNTIL THE CONCLUSION OF THE PROCEEDING OR THE FULL EXECUTION OF THE PUNISHMENT THAT HAS BEEN IMPOSED.

ARTICLE 16 - REQUESTS FOR EXTRADITION MADE BY THIRD STATES.

THE REQUESTED PARTY, IN THE CASE OF RECEIVING REQUESTS
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FROM THE OTHER CONTRACTING PARTY AND FROM ONE OR MORE THIRD STATES FOR THE EXTRADITION OF THE SAME PERSON, BE IT FOR THE SAME OFFENSE OR FOR DIFFERENT OFFENSES, SHALL DECIDE TO WHICH REQUESTING STATE IT SHALL GRANT THE EXTRADITION OF THAT PERSON.

ARTICLE 17 - RULE OF SPECIALITY.

(1) A PERSON EXTRADITED UNDER THE PRESENT TREATY SHALL NOT BE DETAINED, TRIED OR PUNISHED IN THE TERRITORY OF THE REQUESTING PARTY FOR AN OFFENSE OTHER THAN THAT FOR WHICH EXTRADITION HAS BEEN GRANTED NOR BE EXTRADITED BY THAT PARTY TO A THIRD STATE UNLESS:

(A) HE HAS LEFT THE TERRITORY OF THE REQUESTING PARTY AFTER HIS EXTRADITION AND HAS VOLUNTARILY RETURNED TO IT;

(B) HE HAS NOT LEFT THE TERRITORY OF THE REQUESTING PARTY WITHIN 60 DAYS AFTER BEING FREE TO DO SO; OR

(C) THE REQUESTED PARTY HAS GIVEN ITS CONSENT TO HIS DETENTION, TRIAL, PUNISHMENT OR EXTRADITION TO A THIRD STATE FOR AN OFFENSE OTHER THAN THAT FOR WHICH THE EXTRADITION WAS GRANTED.

THESE STIPULATIONS SHALL NOT APPLY TO OFFENSES COMMITTED

AFTER THE EXTRADITION.

(2) IF, IN THE COURSE OF THE PROCEDURE, THE CLASSIFICATION OF THE OFFENSE IS CHANGED FOR WHICH THE PERSON REQUESTED WAS EXTRADITED, HE SHALL BE TRIED AND SENTENCED ON THE CONDITION THAT HE OFFENSE, IN ITS NEW LEGAL FORM:

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(A) IS BASED ON
IN THE REQUEST FOR EXTRADITION AND IN THE DOCUMENTS
PRESENTED IN ITS SUPPORT; AND

(B) IS PUNISHABLE WITH THE SAME MAXIMUM SENTENCE AS
THE CRIME FOR WHICH HE WAS EXTRADITED OR WITH A LESSER
SENTENCE.

ARTICLE 18 - SUMMARY EXTRADITION.

IF THE PERSON SOUGHT INFORMS THE COMPETENT AUTHORITIES
OF THE REQUESTED PARTY THAT HE AGREES TO BE EXTRADITED,
THAT PARTY MAY GRANT HIS EXTRADITION WITHOUT FURTHER
PROCEEDINGS, AND SHALL TAKE ALL MEASURES PERMITTED UNDER
ITS LAWS TO EXPEDITE THE EXTRADITION. IN SUCH CASES
ARTICLE 17 SHALL NOT BE APPLICABLE.

ARTICLE 19 - SURRENDER OF PROPERTY. (1) TO THE EXTENT
PERMITTED UNDER THE LAW OF THE REQUESTED PARTY AND SUB-
JECT TO THE RIGHTS OF THIRD PARTIES, WHICH SHALL BE DULY
RESPECTED, ALL ARTICLES, INSTRUMENTS, OBJECTS OF VALUE
OR DOCUMENTS RELATING TO THE OFFENSE, WHETHER OR NOT
USED FOR ITS EXECUTION, OR WHICH IN ANY OTHER MANNER
MAY BE MATERIAL EVIDENCE FOR THE PROSECUTION, SHALL BE
SURRENDERED UPON THE GRANTING OF THE EXTRADITION EVEN
WHEN EXTRADITION CANNOT BE EFFECTED DUE TO THE

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DEATH, DISAPPEARANCE, OR ESCAPE OF THE ACCUSED.

(2) THE REQUESTED PARTY MAY CONDITION THE SURRENDER OF ARTICLES UPON A SATISFACTORY ASSURANCE FROM THE REQUESTING PARTY THAT THE ARTICLES WILL BE RETURNED TO THE REQUESTED PARTY AS SOON AS POSSIBLE.

ARTICLE 20 - TRANSIT.

(1) THE RIGHT TO TRANSPORT THROUGH THE TERRITORY OF ONE OF THE CONTRACTING PARTIES A PERSON WHO IS NOT A NATIONAL OF THAT CONTRACTING PARTY SURRENDERED TO THE OTHER CONTRACTING PARTY BY A THIRD STATE SHALL BE GRANTED ON PRESENTATION MADE THROUGH THE DIPLOMATIC CHANNEL OF A CERTIFIED COPY OF THE DECISION ON EXTRADITION, PROVIDED THAT REASONS OF PUBLIC ORDER ARE NOT OPPOSED TO THE TRANSIT.

(2) THE AUTHORITIES OF THE TRANSIT STATE SHALL BE IN CHARGE OF THE CUSTODY OF THE EXTRADITED PERSON WHILE THAT PERSON IS IN ITS TERRITORY.

(3) THE PARTY TO WHICH THE PERSON HAS BEEN EXTRADITED SHALL REIMBURSE THE STATE THROUGH WHOSE TERRITORY SUCH PERSON IS TRANSPORTED FOR ANY EXPENSES INCURRED BY THE LATTER IN CONNECTION WITH SUCH TRANSPORTATION.

ARTICLE 21 - EXPENSES.

THE REQUESTED PARTY SHALL BEAR THE EXPENSES OF THE ARRANGEMENTS REFERRED TO IN ARTICLE 13, WITH THE EXCEPTION THAT THE EXPENSES INCURRED FOR THE TRANSLATION OF DOCUMENTS AND, IF APPLICABLE, FOR THE TRANSPORTATION OF THE PERSON ORDERED EXTRADITED SHALL BE PAID BY THE REQUESTING PARTY.

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ARTICLE 22 - SCOPE OF APPLICATION.

(1) THIS TREATY SHALL APPLY TO OFFENSES SPECIFIED IN ARTICLE 2 COMMITTED BEFORE AND AFTER THIS TREATY ENTERS INTO FORCE.

(2) REQUESTS FOR EXTRADITION THAT ARE UNDER PROCESS ON THE DATE OF THE ENTRY INTO FORCE OF THIS TREATY, SHALL BE RESOLVED IN ACCORDANCE WITH THE

PROVISIONS OF THE TREATY OF 22 FEBRUARY, 1899, AND
THE ADDITIONAL CONVENTIONS ON EXTRADITION OF 25 JUNE 1902,
23 DECEMBER 1925, AND 16 AUGUST 1939.

ARTICLE 23 - RATIFICATION, ENTRY INTO FORCE, DENUNCIATION.

(1) THIS TREATY SHALL BE SUBJECT TO RATIFICATION;
THE EXCHANGE OF INSTRUMENTS OF RATIFICATION SHALL TAKE
PLACE IN WASHINGTON AS SOON AS POSSIBLE.

(2) THIS TREATY SHALL ENTER INTO FORCE ON THE DATE OF
EXCHANGE OF THE INSTRUMENTS OF RATIFICATION.

(3) ON ENTRY INTO FORCE OF THIS TREATY, THE TREATY
OF EXTRADITION OF 22 FEBRUARY 1899 AND THE ADDITIONAL
CONVENTIONS ON EXTRADITION OF 25 JUNE 1902, 23
DECEMBER 1925 AND 16 AUGUST 1939 BETWEEN THE UNITED
STATES OF AMERICA AND THE UNITED MEXICAN STATES,
SHALL CEASE TO HAVE EFFECT WITHOUT PREJUDICE TO THE
PROVISIONS OF ARTICLE 22.

(4) EITHER CONTRACTING PARTY MAY TERMINATE THIS

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TERMINATION SHALL TAKE EFFECT SIX MONTHS AFTER THE
RECEIPT OF SUCH NOTICE.

DONE IN TWO ORIGINALS, IN THE ENGLISH AND SPANISH
LANGUAGES, BOTH EQUALLY AUTHENTIC, AT MEXICO CITY
THIS FOURTH DAY OF MAY, ONE THOUSAND NINE HUNDRED
SEVENTY-EIGHT.

FOR THE UNITED STATES OF AMERICA:

FOR THE UNITED MEXICAN STATES:

END QUOTE

4. THE SCHEDULE OF OFFENSES HAS BEEN NEGOTIATED BUT NOT
FINALIZED BY THE GOM. PROBLEMS IN TRANSLATION
INTO SPANISH REMAIN. ROSENZWEIG DIAZ IS PERSONALLY
OVERSEEING CORRECTIONS. EMBASSY WILL TRANSMIT
AS SOON AS RECEIVED. LUCEY

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, EXTRADITION AGREEMENTS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 27 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978MEXICO06975
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780180-0967
Format: TEL
From: MEXICO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780410/aaaaahyq.tel
Line Count: 665
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 3843b2a5-c288-dd11-92da-001cc4696bcc
Office: ACTION L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 13
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 MEXICO 6794
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 09 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2815430
Secure: OPEN
Status: NATIVE
Subject: EXTRADITION TREATY NEGOTIATIONS-MEXICO
TAGS: CPRS, PDIP, US, MX
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/3843b2a5-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014